

Notice of Allowability

Application No.

10/074,480

Examiner

Wesley L. Kim

Applicant(s)

ISHII, ATSUSHI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/26/05.
2. ☒ The allowed claim(s) is/are 2-5.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/8/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10/28/05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


GEORGE ENG
PRIMARY EXAMINER

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Russel on 10/28/05.

The application has been amended as follows:

- Cancel Claim 1.

End of Examiners Amendment.

Allowable Subject Matter

1. Claim 2-5 allowed.

The following is an examiner's statement of reasons for allowance:

Independent Claim 2 establishes, "(d) initiating said call in response to a command at said user interface where audio from said call is directed to said selectively connectable voice interface, if said connection state of said selectively connectable voice interface is disconnected, further alerting said user of said disconnected state and awaiting said connected state before said completing said initiating said call without reinitiating said call". This limitation is neither disclosed nor suggested in the prior art of record or newly cited references of Paterson et al (U.S. Patent 5794163), Ishida (U.S. Patent 6195570 B1), and Buckley et al (U.S. Pub. 2002/0049079 A1).

Paterson teaches of a mobile phone and a headset. There is a headset detector (Col.10;20) and if the headset is not connected to the mobile phone then audio is routed to the mobile phone, however if the headset is connected to the mobile phone then audio is routed to the headset (Col.5;1-10). Paterson teaches if the headset is connected and a call is initiated then audio is routed to the headset (Col.10;20-40). However Paterson does not teach when a headset is disconnected, alerting said user of said disconnected state and awaiting said connected state before said completing said initiating said call without reinitiating said call.

Ishida teaches an earphone jack insertion detection section (Fig.1;6) and allowing a user to initiate a call when a earphone jack is inserted into the mobile phone by displaying a dialing screen enabling a user to have a conversation with a desired party by dialing using the dialing screen (Abstract1-6). Ishida teaches automatically terminating a call if an earphone jack is extracted from a mobile phone (Col.4;1-6). Ishida is silent on alerting said user of said disconnected state and awaiting said connected state before said completing said initiating said call without reinitiating said call.

Buckley discloses answering an incoming call or initiating an outgoing call in response to an interaction at a user interface, i.e. flipping a switch at a user interface, either on the headset or the handset. With the headset connected, if call initiated on the headset, then the audio is automatically routed to the headset. See, paragraph 24. With the headset connected, if the call is initiated on the handset, then the audio is automatically routed to the handset or headset (whichever is set as default). See,

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paragraph 25. With the headset connected, if the call is initiated on handset, and following that the control on the headset is activated, then the audio transfers from the handset to the headset. See, paragraph 26. With the headset connected, if the call is initiated on the headset, and following that the control on the handset is activated, then audio transfer from the headset to the handset. See, paragraph 27. When no headset is connected, the audio routes to the handset. See, paragraph 29. In all situations, when a headset is used, the user is affirmatively required to activate a control on the headset or activate a control on the handset in order to answer a call and route the audio to the desired location. However there is no teaching of when a headset is disconnected, alerting said user of said disconnected state and awaiting said connected state before said completing said initiating said call without reinitiating said call.

2. **Claims 3-5** are allowed as being dependent on independent Claim 2.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WLK


GEORGE ENG
PRIMARY EXAMINER